

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHAWN WYGANT,

Plaintiff,

v.

Case Number 09-11684-BC
Honorable Thomas L. Ludington

MARY STRAND and MICHIGAN
DEPARTMENT OF HUMAN SERVICES,

Defendants.

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**ORDER GRANTING PLAINTIFF'S REQUEST FOR AN EXTENSION OF TIME TO
FILE OBJECTIONS**

The Honorable Charles E. Binder issued a report and recommendation [Dkt. # 17] on January 18, 2011, recommending granting in part Defendants' motion to dismiss [Dkt. # 15] and dismissing all of Plaintiff's claims except for his substantive due process claim against Defendant Mary Strand. Defendants filed timely objections on January 28 and January 31, 2011 [Dkt. # 18, 19], and Plaintiff filed a request for an extension of time to file objections on February 4, 2011 [Dkt. # 20]. Defendants filed a response in opposition to Plaintiff's request on February 8, 2011 [Dkt. # 21].

Plaintiff requests a twenty-one-day extension of the usual fourteen-day period for filing objections to a report and recommendations. Plaintiff, who is not a lawyer and has appeared pro se in this case, emphasizes that he did not receive the report and recommendations until January 28, 2011 because of weather-related delivery problems and that he never received the underlying motion to dismiss. In response, Defendants note that Plaintiff had several opportunities to request a copy of the motion to dismiss—he never responded to Judge Binder's order providing an extended briefing schedule, for example. Defendants contend that Plaintiff should not be permitted to object to the report and recommendation after not filing a brief in opposition to the motion.

In light of Plaintiff's status as a pro se litigant and the fact that Defendants' motion to dismiss apparently did not reach him via U.S. Mail, Plaintiff's request for an extension of time to file objections will be granted. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (noting pro se complaints should be "liberally construed" and held to "less stringent standards" (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976))). Importantly, Plaintiff's objections must be responsive to Judge Binder's report and recommendation. It must be tailored to address Judge Binder's legal conclusions, and not necessarily the arguments raised in Defendants' motion to dismiss.

Accordingly, it is **ORDERED** that Plaintiff's request for an extension of time to file objections [Dkt. # 20] is **GRANTED**. Plaintiff's objections shall be filed on or before **February 22, 2011**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 15, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 15, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS